

CHAPTER 447, HRS DENTAL HYGIENISTS

SECTION

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§447-1 Who may become dental hygienists; fees. (a) Any person:

- (1) Eighteen years of age or over;
- (2) Holding and having a diploma or proper certificate of graduation from a dental hygiene school accredited by the American Dental Association (A.D.A.) Commission on Dental Accreditation requiring at least a two year course, recognized by the board of dental examiners; and
- (3) Having been officially certified in the administration of intra-oral infiltration local anesthesia and intra-oral block anesthesia by an accredited dental hygiene school or by a certification program previously approved by the board;

upon written application made to and filed with the board at least sixty days prior to the date selected by the board for the examination, may be examined by the board for qualification as a dental hygienist.

The application for examination shall be accompanied by the applicant's certificate of graduation from an accredited dental hygiene school together with documentary proof of the applicant's certification in the administration of intra-oral infiltration local anesthesia and intra-oral block anesthesia. At the time of filing the application, the applicant shall pay to the board application and examination fees, which fees, together with all other fees or charges in this chapter, shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91, and shall be deposited to the credit of the compliance resolution fund established pursuant to section 26-9(o).

(b) Two examinations shall be held in each year at the time the board designates. The examinations shall cover subjects considered essential by the board for a dental hygienist and shall likewise include a practical examination on the removal of deposits or stains from the surfaces of the teeth. The board shall furnish a chair and engine, but the applicant shall supply all necessary instruments, materials, and patients for the examination.

If the board is unable to administer an examination, a qualified applicant for the canceled board examination shall meet the board's examination requirement if the applicant:

- (1) Within one year prior to the canceled board examination passed a regional or state examination satisfactory to the board; or
- (2) Prior to the board's next administered examination takes and passes a regional or state examination satisfactory to the board.
- (c) If the applicant successfully passes the examination, the applicant shall be licensed to practice as a dental hygienist in the State. Every licensed dental hygienist, before entering practice, shall pay the board a license fee. On or before December 31 of each odd-numbered year, every licensed dental hygienist desiring to begin or continue to practice in the State shall pay to the board a fee for the biennial licensure thereof. The failure, neglect, or refusal of any duly licensed dental hygienist to pay the biennial licensure fee shall constitute a forfeiture of the license, but the license may be restored upon written application therefor and payment to the board of a restoration fee.
- (d) An applicant's or licensed dental hygienist's competence to administer intra-oral infiltration local anesthesia shall be demonstrated by certification in the administration of intra-oral infiltration local anesthesia by an accredited dental hygiene school or by a certification program previously approved by the board. In addition, an applicant's or licensed dental hygienist's competence to administer intra-oral block anesthesia shall be demonstrated by proof of successful completion of a course of study in accordance with standards provided for in this chapter, and the issuance of a certificate or other program documentation listing the intra-oral block anesthesia categories in which the applicant or licensed dental hygienist has acquired knowledge and proficiency.

The applicant or licensed dental hygienist shall also submit documentation of the course content when submitting the certificate. The board shall certify that the applicant or licensed dental hygienist has met the requirements of this chapter; provided that the licensed dental hygienist's administration of intra-oral block anesthesia shall be under the direct supervision of a licensed dentist and shall be for those categories of intra-oral block anesthesia listed on the course of study certificate submitted to the board.
- (e) No person shall practice dental hygiene, either gratuitously or for pay, or shall offer or attempt so to practice, or shall advertise or announce publicly or privately as being prepared or qualified so to practice, without having a license as in this section provided, nor shall any licensed dental hygienist practice except under the supervision of a licensed dentist as in this chapter provided.

§447-2 Temporary license. The board of dental examiners may issue, without examination, to any person qualified to be examined, a temporary license to practice as a dental hygienist in the employment of the State or any county or any legally incorporated eleemosynary dispensary or infirmary, private school, or welfare center. The temporary license shall authorize the person to whom the license is issued to practice clinical dental hygiene exclusively while engaged in that employment and shall be in force until:

- (1) The date the person leaves the employment authorized under the temporary license;
- (2) The three hundred sixty-fifth calendar day following the date of issuance of the temporary license;
- (3) The date on which the person takes the licensure examination under this chapter; or
- (4) The date on which the board revokes the temporary license;

whichever occurs first; provided that the board may revoke the temporary license at any time for cause.

§447-3 Employment of and practice by dental hygienists. (a) Any licensed dentist, legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or the State or any county, may employ licensed dental hygienists.

(b) Clinical dental hygiene may be practiced by a licensed dental hygienist. The practice of clinical dental hygiene is defined as the removal of hard and soft deposits and stains from the portion of the crown and root surfaces to the depth of the gingival sulcus, polishing natural and restored surfaces of teeth, the application of preventive chemical agents to the coronal surfaces of teeth, which chemical agents have been approved by the board of dental examiners, and the use of mouth washes approved by the board, but shall not include the performing of any repair work or the preparation thereof, or any other operation on the teeth or tissues of the mouth; provided that nothing in this subsection shall prohibit a dental hygienist from using or applying topically any chemical agent which has been approved in writing by the department of health for any of the purposes set forth in part V of chapter 321, and other procedures delegated by a dentist in accordance with the rules of the board of dental examiners.

In addition, a licensed dental hygienist may administer intra-oral infiltration local anesthesia and intra-oral block anesthesia under the direct supervision of a dentist after being certified by the board, and for those categories of intra-oral infiltration local anesthesia and intra-oral block anesthesia for which the licensed dental hygienist has been certified through a course of study meeting the requirements of this chapter.

(c) A licensed dental hygienist may operate in the office of any licensed dentist, or legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or in any building owned or occupied by the State or any county, but only under the aforesaid employment and under the direct or general supervision of a licensed dentist; provided that in the private practice of dentistry, the hygienist shall be under the direct supervision of a licensed dentist. No dental hygienist may establish or operate any separate care facility which exclusively renders dental hygiene services.

(d) A licensed dental hygienist may operate under the general or direct supervision of any licensed dentist providing dental services in a public health setting. As used in this subsection, "public health setting" includes dental services in a legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or the State or any county. A licensed dental hygienist employed in a public health setting may perform dental education, dental screenings, and fluoride applications. Other permissible duties shall be pre-screened and authorized by a supervising licensed dentist, subject to the dentist's determination that the equipment and facilities are appropriate and satisfactory to carry out the recommended treatment plan. No direct reimbursements shall be provided to licensed dental hygienists.

[§447-3.5] Educational requirements for intra-oral block anesthesia. (a) The applicant for certification to administer intra-oral block anesthesia shall show proof that the applicant successfully completed a course of study that shall include the following categories of intra-oral infiltration local anesthesia and intra-oral block anesthesia:

- (1) Maxillary mandibular infiltration anesthesia;
- (2) Long buccal nerve block anesthesia;
- (3) Mental nerve block;
- (4) Inferior alveolar/lingual nerve block;
- (5) Incisive nerve block;
- (6) Posterior superior alveolar nerve block;
- (7) Middle superior alveolar nerve block;
- (8) Anterior superior alveolar nerve block;
- (9) Nasopalatine (incisive canal) nerve block; and
- (10) Greater (anterior) palatine nerve block.

(b) A course of study shall also include didactic studies and clinical experience, and for intra-oral block anesthesia categories in subsection (a)(1) to (10), at least thirty-nine hours, and a minimum of fifty successful injections of which ten shall be in intra-oral block in subsection (a)(4) and five in intra-oral block in subsection (a)(6).

(c) The curriculum of the course of study shall include as follows:

- (1) Cardiopulmonary resuscitation certification;
- (2) Medical history evaluation procedures;
- (3) Physical evaluation procedures;
- (4) Anatomy of head, neck, and oral cavity as it relates to administering local anesthetic agents;
- (5) Pharmacology of local anesthetics and vasoconstrictors;
- (6) Indications and contraindications for administration of local anesthetics;
- (7) Prevention, diagnosis, and management of medical emergency;
- (8) Recognition and management of post-injection complications and management of reactions to injections;
- (9) Medical and legal management complications;
- (10) Selection and preparation of the armamentaria and recordkeeping for administering various local anesthetics;
- (11) Methods of administering local anesthetics with emphasis on technique, which includes aspiration and slow injection, in addition to minimum effective dosage; and
- (12) Proper infection control techniques with regard to local anesthesia and the proper disposal of sharps.

(d) As part of the course of study, the applicant or licensed dental hygienist shall be required to pass an examination to determine if the applicant or licensed dental hygienist has acquired the necessary knowledge and clinical proficiency to administer intra-oral block anesthesia.

(e) The board of dental examiners may adopt rules pursuant to chapter 91, relating to the education and certification of dental hygienists to administer intra-oral block anesthesia.

§447-4 Revocation of dentist's license. The board of dental examiners may revoke the license of any dentist who permits any dental hygienist employed by or working under the dentist's supervision to perform any dental operation other than that permitted under this chapter.

§447-5 Dental hygiene school. Any legally incorporated eleemosynary dental dispensary or infirmary, maintaining proper standards and equipment, may establish for students a school of dental hygiene, providing courses of study in oral hygiene. All such students, upon entrance, shall be required to present satisfactory evidence of graduation from a high school or its equivalent in education. They may be graduated in not less than two years as dental hygienists, but shall not practice until licensed as provided in this chapter.

§447-6 Prohibited acts; discipline; penalty. (a) In addition to any other actions authorized by law, the board of dental examiners may suspend or revoke any license issued under this chapter or fine a licensee for any cause authorized by law, including but not limited to the following:

- (1) Professional misbehavior; or
- (2) Any other violation of this chapter or rules adopted pursuant thereto.

(b) Any person who violates any of the provisions of this chapter or any other law, or who fails to comply with any of the requirements or provisions of this chapter or any other law, a penalty for which is not otherwise provided, shall be fined not less than \$50, nor more than \$250, and each day's violation or failure to comply shall be deemed a separate violation and shall result in a separate fine.

§447-7 Filing of false information; revocation of license. The board of dental examiners shall refuse to grant a license to any applicant or shall revoke the license of any person who knowingly records, registers, or files, or offers for recordation, registration, or filing with the department of commerce and consumer affairs any written statement which has been falsely made, completed, or altered, or in which a false entry has been made, or which contains a false statement or false information.

[§447-8] Remedies or penalties cumulative. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.

§447- Community service license. (a) The board of dental examiners may issue, without examination, a community service license to practice dental hygiene in the employment of a federally qualified health center, Native Hawaiian health care system, or post-secondary dental auxiliary training program accredited by the American Dental Association Commission on Dental Accreditation. Community service licensees under this section shall abide by the requirements and conditions placed upon those fully licensed under this chapter.

Eligible candidates shall:

- (1) Provide copies of documentation and credentials that include but are not limited to:
 - (A) A diploma or certificate of graduation from a dental hygiene college accredited by the American Dental Association Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) Either of the following:
 - (i) A certificate or other evidence satisfactory to the board of having passed the examination of the National Board Dental Hygiene Examination, within five years of the date of request; or
 - (ii) Evidence of active clinical dental hygiene practice of not less than one thousand hours per year for the three years immediately prior to the date of request;
- (2) Provide a copy of an active, unrestricted dental hygiene practice license from another state;
- (3) Disclose to the board of dental examiners all previous and pending legal or regulatory action relating to claims of malpractice, personal, or professional misconduct; and
- (4) Pay applicable registration fees, which shall be one half of the prevailing biennial registration fee for dental hygienists.

No person who after the effective date of this section has failed to pass the license examination administered under this chapter may be issued a community service dental hygiene license.

(b) Community service licensees shall actively participate in a formal and ongoing program of clinical quality assurance.

(c) A license may be renewed annually, pending review and reauthorization of the board of dental examiners.

(d) A community service license authorizes the licensee to practice dental hygiene only within the employment of an eligible organization and shall be in force until the earliest of the following occurs:

- (1) The date the person leaves the employment authorized under the community service license;
- (2) The date on which the results of the license examination taken by the person under this chapter are posted by the board;
- (3) The date the community service license expires; or
- (4) The date on which the board revokes the community service license; provided that the board may revoke the community service license at any time for cause.

(e) Commissioned officers of the United States Army, the United States Navy, the United States Air Force, the United States Public Health Service, or the United States Veterans Administration practicing in a federally qualified health center or Native Hawaiian health systems center, shall qualify for a community service license to practice dental hygiene, which may be issued for the term of the dental hygienists federal duty assignment. Officers shall provide to the board of dental examiners:

- (1) A copy of an active, unrestricted dental hygiene license from another state; and
- (2) A copy of documentation reflecting official duty assignment to a qualifying community service dental hygiene license site.